

FEB 20 1988

FEB 23 1988

Texas Water Commission

INTEROFFICE MEMORANDUM

TO : Bobby Whitefield, Chief, Information and Technical Services Section, Hazardous and Solid Waste Division
THRU : Luis E. Campos, Hazardous & Solid Waste Coordinator, Field Operations Division
FROM : W. J. Van Evers, Manager, Hazardous and Solid Waste, Deer Park Office, SER
SUBJECT: TWC/EPA Joint Inspection
GATX Terminals, Registration No. 30573

After reviewing the above listed EPA inspection report, we are in agreement with EPA's findings regarding Class I violations.

W. J. Van Evers
W. J. Van Evers

WJV/amh

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Note on
CEI 445-?
10/22/87

TEXAS WATER COMMISSION



Paul Hopkins, Chairman
John O. Houchins, Commissioner
B. J. Wynne, III, Commissioner

Allen Beinke, Executive Director

J. D. Head, General Counsel
Michael E. Field, Chief Examiner
Karen A. Phillips, Chief Clerk

February 12, 1988

TYD 26481523

Sch. 05/12/88

Mr. Kyle J. Mullins
Manager Environmental Affairs
Southern Region
GATX Terminals Corporation
400 North Belt East, Suite 700
Houston, Texas 77060-3534

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: GATX Terminals Corporation
Solid Waste Registration No. 30573
Notice of Solid Waste Violations

Dear Mr. Mullins:

On August 12, 1987 Texas Water Commission (TWC) representatives from the RCRA Groundwater Enforcement Unit and the TWC Deer Park Office conducted a comprehensive groundwater monitoring evaluation (CME) of the above noted facility in order to survey compliance of the operation with the Commission's rules pertaining to groundwater monitoring. The groundwater monitoring system was implemented as part of the closure requirements for the surface impoundment known as the southeast pond (not listed on the notice of registration). The Texas Water Commission approved the revised closure plan of September, 1986 on December 15, 1986.

By letter of December 9, 1987, the Texas Water Commission informed GATX Terminals Corp. of the results of the CME. The letter stated that no violations of the regulations were noted with respect to the RCRA groundwater monitoring program and system. However, that inspection did observe that a significant groundwater contamination problem exists at the site. As a result, the company is considered in violation of 31 TAC 335.4 and Chapter 26 of the Texas Water Code which state that no person may cause, suffer, allow, or permit the collection, handling, storage, processing, or disposal of industrial solid waste in such a manner so as to cause the discharge or imminent threat of discharge of industrial solid waste into or adjacent to the waters in the state without obtaining specific authorization for such a discharge from the Texas Water Commission.

FEB 23 1988

Mr. Mullins

Page 2

Regarding the surface impoundment (southeast pond) closure, analyses results for the downgradient wells indicate a release may have occurred from the impoundment. Thus, it appears that GATX Terminals Corp. has not fulfilled the requirements pertaining to clean closure (31 TAC 335.112(a)(10)/40CFR 265.228[b]). Therefore, the surface impoundment is subject to post closure requirements as a landfill (40 CFR Part 265 Subpart G and Section 265.310). GATX Terminals Corp.' report, Closure Certification for the Southeast Holding Basin, dated August, 1987, includes a proposal, based on analysis results for a composite soil sample, to close the surface impoundment as a class II landfill. Due to the groundwater contamination present at the site, GATX Terminals Corp. cannot close the basin as a Class II landfill.

Therefore, the Texas Water Commission requests that GATX Terminals Corp. submit the following within 60 days of receipt of this letter:

1. an amended closure plan as required by 31 TAC 335.112(a)(6)/40CFR 265.112(C). The amended closure plan should indicate that the impoundment will require post-closure care as a Class I hazardous landfill. In addition, the plan should include a groundwater assessment plan. The assessment is to be conducted in accordance with 31 TAC 335.112 (a)(5)/40CFR 265.93 to determine the rate and extent of lateral and vertical migration of industrial solid waste constituents prior to the evaluation of risks to human health or the environment. Sources of the contamination detected in the upgradient well, MW-1, should be investigated. The assessment plan should include a revised groundwater sampling and analysis plan, a time schedule for installing and sampling additional wells as necessary to determine the extent of contamination, and a description of the physical, chemical and dispersion characteristics of the wastes. Upon completion of the assessment, GATX Terminals Corp. shall submit a plan to identify and evaluate the feasibility for remedial action at the site.
2. a post-closure care plan which meets the post-closure care requirements in 40 Code of Federal Regulations Part 265 Subpart G and 31 TAC 335.119. In addition, this plan should address all applicable financial requirements in 40 CFR Part 265 Subpart H.

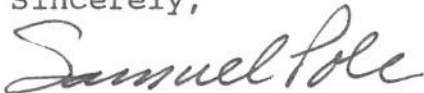
Mr. Mullins
Page 3

Regarding the certification of closure submitted by GATX Terminals Corp., our records indicate that the certification did not fulfill the requirements of 31 TAC 335.112(a)(6)/40CFR 265.115. Both the owner or operator and an independently registered professional engineer must certify that closure was in accordance with the approved closure plan.

You are advised that failure to respond within the requested time frames and adequately remedy solid waste noncompliances may result in the initiation of formal enforcement action which could lead to administrative penalties of up to \$10,000 per day being assessed against the entity by the Texas Water Commission.

Any questions that you have concerning this matter should be addressed to Allan E. Posnick at (512)463-8425.

Sincerely,

A handwritten signature in cursive script that reads "Samuel Pole".

Samuel Pole, Chief
Hazardous and Solid Waste Enforcement Section
Hazardous and Solid Waste Division

AP/ap

cc: TWC District 7 Office
Ken Zarker, Reports and Information Management

TXD02641523 JA
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TEXAS WATER COMMISSION

Paul Hopkins, Chairman
John O. Houchins, Commissioner
B. J. Wynne, III, Commissioner



James K. Rourke, Jr., General Counsel
Michael E. Field, Chief Examiner
Karen A. Phillips, Chief Clerk

Allen Beinke, Executive Director

December 9, 1987

Mr. Kyle J. Mullins
Manager Environmental Affairs
Southern Region
GATX Terminals Corporation
400 North Belt East, Suite 700
Houston, Texas 77060-3534

Re: GATX Terminals Corporation
SWR 30573
Comprehensive Monitoring Evaluation (CME)

Dear Mr. Mullins:

On August 12, 1987, the TWC conducted a Comprehensive Monitoring Evaluation (CME). Significant findings requiring a response from GATX are summarized below. No violations of the regulations were noted with respect to the ground-water monitoring program and system. However, because of the presence of a significant contamination problem, the GATX Terminal Corporation is in violation of 31 Texas Administrative Code 335.4.

1. The ground-water quality in the upgradient well appears to have been affected from releases from the product storage tanks rather than the surface impoundment. Results of samples collected on 6-10-87 and 8-24-87 for MW-1 revealed benzene, toluene, ethyl benzene and the presence of light hydrocarbons C₅ to C₈.
2. Downgradient wells contain much higher concentrations of benzene, toluene and ethyl benzene as well as additional constituents most likely present due to a release from the surface impoundment.
3. Oil droplets noted in the sample collected from MW3 may indicate the presence of a free hydrocarbon phase.
4. The Sampling and Analysis Plan, as contained in the approved Closure Plan, should specify provisions for the detection and sampling of possible immiscible layers in the ground water prior to well evacuation.

5. The Sampling and Analysis Plan should be modified to require filtering of metals in the field or on-site laboratory in a timely manner prior to acidifying the sample with nitric acid.
6. The plan should specify the sampling of air in the well head for organic vapors with either a photoionization analyzer or an organic vapor analyzer and record measurements and specify the requirements of using the appropriate safety attire for sampling the well. This practice was observed to be appropriate during the CME and should be documented in the sampling plan.
7. During the CME, the GATX sampling team did not consistently measure water levels prior to evacuating the monitor wells as described in the Sampling and Analysis Plan.

Within 90 days of the date of this letter, the Texas Water Commission requests that GATX submit the following:

1. A plan with a schedule of implementation for conducting a corrective action feasibility study to remediate the ground-water contamination. The plan should specify plans to define the rate and extent of contaminant migration and any additional geologic and hydrologic investigations that may be necessary to assess an appropriate remediation program as well as specify various remediation alternatives and their expected performance;
2. A plan for future ground-water monitoring to be conducted upon completion of the quarterly sampling events required for one year by the approved closure plan; and
3. A revised sampling and analysis plan which incorporates the suggestions noted above and as detailed in the enclosed CME report.

If you have any questions regarding the CME report or the response required of GATX as outlined above, please contact Robert Hahn at (512) 463-8425.

Sincerely,



Samuel B. Pole, Chief
Hazardous and Solid Waste Enforcement Section
Hazardous and Solid Waste Division

Enclosure

cc. TWC District 7- Deer Park
Susan Baird, ERT (w/o enclosure)

RECORD OF COMMUNICATION

☐ PHONE CALL ☐ DISCUSSION ☐ FIELD TRIP ☐ CONFERENCE
☐ OTHER (SPECIFY)

(Record of item checked above)

TO: Jim Martin (TWC)

FROM: PETER REDDING

DATE 7/23/86
TIME

SUBJECT GATX - Status under RCRA

TXID 02 648 1523

SUMMARY OF COMMUNICATION

I asked Jim about the Enforcement Action against GATX 2/18/86. I was confused because there is no mention of surface impoundments in the Part A. He explains that the SI went in in 76 to collect runoff & it was covered by NDES. The TWC inspection ^{11/85} determined that hazy constituents were present & the SI should be regulated under RCRA. So GATX decided to clean close under a TWC enforcement action.

CONCLUSIONS, ACTION TAKEN OR REQUIRED

GATX probably shouldn't be in the LDF universe

INFORMATION COPIES

TO:

TEXAS WATER COMMISSION

A N O R D E R

Determining Violations by GATX Terminals Corporation under the Texas Solid Waste Disposal Act, V.T.C.S., Article 4477-7; Assessing Administrative Penalties; and Requiring Certain Actions of GATX Terminals Corporation.

Came on this 20th day of May, 1986, to be considered the petition and report of the Executive Director, alleging violations of the Texas Solid Waste Disposal Act and the Commission rules pertaining to industrial solid waste management and requesting appropriate relief, including administrative penalties. The facility made the subject of the Executive Director's petition is GATX Terminals Corporation, 906 Clinton Drive, Galena Park, Texas.

After proper notice to GATX Terminals Corporation, and after hearing the evidence and argument of the parties, the Texas Water Commission makes the following findings:

FINDINGS OF FACT

1. GATX Terminals Corporation operates a liquid bulk storage facility located at 906 Clinton Drive, Galena Park, Texas, on the Houston Ship Channel.
2. There is a small pond located on the facility site which functions as a surface impoundment to manage industrial solid waste generated by the collection of product lost from spills and transfer operations within the tank truck and railroad tank car loading areas.
3. The surface impoundment has not been managed as a hazardous waste unit, nor in accordance with hazardous waste management regulations.
4. GATX Terminals Corporation representatives have no specific knowledge of a liner in the surface impoundment or the nature of the geologic substrate underlying the pond, nor is such information available from other sources.
5. Tests conducted by Commission staff revealed that some materials found to be present in the surface impoundment are defined by the Administrator of the U. S. Environmental Protection Agency in 40 Code of Federal Regulations (CFR) Part 261 as hazardous wastes.
6. The hazardous wastes present in the surface impoundment are toxic and present a contamination threat to ground and surface water.
7. GATX Terminals Corporation's liquid bulk storage facility is located on the Texas Coastal Plain. the underlying aquifers in the area are the Chicot, Evangeline and Jasper aquifers. In addition to these aquifers there is abundant shallow groundwater. The entire Coastal Plain acts as a recharge zone for these aquifers. Industrial waste present in surface water and shallow groundwater may contaminate the aquifers.

8. GATX Terminals Corporation has failed to install a groundwater monitoring system at the hazardous waste surface impoundment. This noncompliance was observed by Commission staff on November 7, 1985.
9. GATX Terminals Corporation has failed to submit to the Commission a closure and post-closure plan for the hazardous waste surface impoundment. This noncompliance was observed by Commission staff on November 7, 1985.
10. The GATX Terminals Corporation's liquid bulk storage facility is not a "manufacturing operation" as intended in 40 CFR §261.3(a)(2)(iv)(D). The only activity conducted by GATX Terminals Corporation at this facility is storage of liquid bulk products and related waste management activities.
11. In order to continue operating the hazardous waste surface impoundment. GATX Terminals Corporation was required to submit a Part B Hazardous Waste Application and certify compliance with groundwater monitoring and financial assurance requirements by November 8, 1985.
12. GATX Terminals Corporation did not submit a Part B Hazardous Waste Application nor certify compliance with groundwater monitoring and financial assurance requirements by November 8, 1985.

CONCLUSIONS OF LAW

1. GATX Terminals Corporation does not qualify to operate as an "Interim Status" facility under the Federal Resource Conservation and Recovery Act, 42 United States Code (USC) 6901, and the regulations promulgated pursuant thereto.
2. GATX Terminals Corporation has violated 31 TAC §336.116 (formerly 31 TAC §335.191) by failing to install a groundwater monitoring system at the hazardous waste surface impoundment.
3. GATX Terminals Corporation has violated 31 TAC §§336.118(a) and 336.119(a) (formerly 31 TAC §§335.213 and 335.218) by failing to submit to the Commission a closure and post-closure plan for the hazardous waste surface impoundment.
3. The Commission has jurisdiction to assess administrative penalties pursuant to §8b of the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7. The Commission has authority to issue enforcement orders directing compliance with the Texas Solid Waste Disposal Act and the rules of the Commission pursuant to 31 TAC §337.1.
4. An administrative penalty in the amount of \$6,280 is justified by the facts recited herein, considered in light of the factors stipulated in §8b of the Texas Solid Waste Disposal Act.
5. The GATX Terminals Corporation claim that the surface impoundment is exempt from hazardous waste regulations because of the "de minimus" exemption of 40 CFR §261.3(a)(2)(iv)(D) is invalid. The exemption applies only to manufacturing operations and the liquid bulk storage facility of GATX Terminals Corporation is not a manufacturing operation.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS WATER COMMISSION that GATX Terminals Corporation shall pay an administrative penalty totaling Six Thousand Two Hundred Eighty Dollars (\$6,280) for violations of the Texas Solid Waste Disposal Act and the regulations of the Texas Water Commission. All checks rendered to pay penalties imposed by this order shall be made out to "The State of

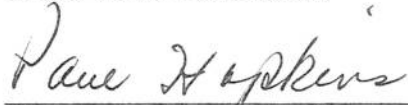
Texas - General Revenue Fund." All checks will be mailed to the Director, Fiscal Services Division, Texas Water Commission, P. O. Box 13087, Capitol Station, Austin, Texas 78711-3087, with the notation, "Re: GATX Terminals Corporation, Enforcement Order,".

IT IS FURTHER ORDERED BY THE TEXAS WATER COMMISSION that GATX Terminals Corporation shall undertake certain actions as follows:

1. GATX Terminals Corporation shall continue to prevent all wastes from entering the surface impoundment (commonly referred as the Southeast Holding Basin) and shall prevent wastes from discharging out of this impoundment.
2. Within thirty (30) days of the effective date of this Order, GATX Terminals Corporation shall submit a closure plan and post-closure care plan for the surface impoundment. The plans shall meet all the requirements of 31 TAC §§336.112(a)(6), 336.118, 336.119 and 336.112(a)(10) (formerly 31 TAC §§335.211-335.220; 335.286) including a time schedule as required by the rules. Upon written approval from the Commission, closure shall be carried out in accordance with the approved closure plan and time schedule therein.
3. Within thirty (30) days of the effective date of this Order, GATX Terminals Corporation shall submit a detailed groundwater monitoring plan regarding the hazardous waste surface impoundment for Commission approval. The program shall encompass all of the requirements of 31 TAC §§336.116; 336.117; and 336.112(a)(5) (formerly 31 TAC §§335.191-335.195) and shall include a schedule of implementation. Upon written approval from the Commission, construction of the wells and sampling of the groundwater shall commence in accordance with the approved groundwater monitoring plan and time schedule therein.

Signed this 20th day of May, 1986.


TEXAS WATER COMMISSION


Paul Hopkins, Chairman

(Seal)


Ralph Roming, Commissioner


Mary Ann Hefner, Chief Clerk


John O. Houchins, Commissioner

TEXAS WATER COMMISSION

Paul Hopkins, Chairman
Ralph Roming, Commissioner
John O. Houchins, Commissioner



Larry R. Soward, Executive Director
Mary Ann Hefner, Chief Clerk
James K. Rourke, Jr., General Counsel

April 8, 1986

Mr. Kyle J. Mullins
GATX Terminals Corporation
906 Clinton Drive
Galena Park, Texas 77547

Dear Mr. Mullins:

Re: GATX Terminals Corporation--Violations of Texas Solid Waste Disposal Act and Rules of the Texas Water Commission

Enclosed, please find a copy of the "Notice of Executive Director's Noncompliance Report and Petition for a Texas Water Commission Order Assessing Administrative Penalties and Requiring Certain Actions of GATX Terminals Corporation," a copy of the Executive Director's Noncompliance Report, and a proposed Order for the Commission's approval.

In accordance with Section 8b of the Texas Solid Waste Disposal Act, V.A.C.S., Article 4477-7, and 31 TAC §337.37, the Executive Director of the Texas Water Commission is hereby notifying you that Commission consideration of the "Executive Director's Noncompliance Report and Petition for a Texas Water Commission Order Assessing Administrative Penalties and Requiring Certain Actions of GATX Terminals Corporation" has been scheduled for:

Tuesday, May 20, 1986, at 2:00 p.m.
Room 118, Stephen F. Austin Building
1700 North Congress, Austin, Texas

Please be advised that administrative penalties have been recommended by the Executive Director, and as such GATX Terminals Corporation has the right to an evidentiary hearing on the occurrence of the violations and/or the amount of the penalty. The Texas Solid Waste Disposal Act and 31 TAC §337.38 require that a request for a hearing be made in an answer submitted not later than twenty (20) days after the date on which this notice is received.

Should you or other representatives of GATX Terminals Corporation desire to meet with me and members of the Commission staff, please contact us as soon as possible. In any event, you or your representative must provide either your consent to the recommended administrative penalty or your request for hearing before the Commission within twenty (20) days of receipt, as provided under §26.136(f) of the Texas Water Code.

Mr. Kyle J. Mullins
Page 2
April 8, 1986

Please contact Mr. Michael L. Woodward or Mr. J. D. Head, Director of the Commission's Legal Division, (512) 463-8087, with any questions or requests for consultation.

Sincerely,



Larry R. Soward
Executive Director

Enclosure

cc: Mrs. Mary Ann Hefner, Chief Clerk, Texas Water Commission
Mr. James K. Rourke, Jr., General Counsel, Texas Water Commission
Ms. Carol Batterton, Director, Field Operations Division, Texas Water Commission
Mr. Bryan Dixon, Director, Hazardous and Solid Waste Division, Texas Water Commission
Mr. Jack Cox, Public Interest Advocate, Texas Water Commission
Texas Water Commission Southeast Regional Office, Deer Park, Texas

TEXAS WATER COMMISSION

Paul Hopkins, Chairman
Ralph Roming, Commissioner
John O. Houchins, Commissioner



April 8, 1986

Larry R. Soward, Executive Director
Mary Ann Hefner, Chief Clerk
James K. Rourke, Jr., General Counsel

Mrs. Mary Ann Hefner, Chief Clerk
Texas Water Commission
P. O. Box 13087, Capitol Station
Austin, Texas 78711-3087

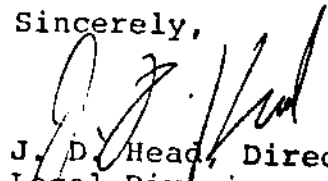
Dear Mrs. Hefner:

Re: GATX Terminals Corporation --Violations of Texas Solid Waste Disposal Act and Rules of the Texas Water Commission

Concerning the above-referenced matter, please find the original and 15 copies of the "Notice of Executive Director's Noncompliance Report and Petition for a Texas Water Commission Order Assessing Administrative Penalties and Requiring Certain Actions of GATX Terminals Corporation." Also included are the original and 15 copies of the Executive Director's Noncompliance Report and the proposed Commission Order.

By copy of this letter, I am advising the parties shown below of this submission.

Sincerely,


J. D. Head, Director
Legal Division

Attachment

cc: Mr. Kyle J. Mullins, GATX Terminals Corporation, 906 Clinton Drive,
Galena Park, Texas 77547
Mr. Larry R. Soward, Executive Director, Texas Water Commission
Mr. James K. Rourke, Jr., General Counsel, Texas Water Commission
Ms. Carol Batterton, Director, Field Operations Division, Texas
Water Commission
Mr. Bryan Dixon, Director, Hazardous and Solid Waste Division,
Texas Water Commission
Mr. Jack Cox, Public Interest Advocate, Texas Water Commission
Texas Water Commission Southeast Regional Office, Deer Park, Texas

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AND PETITION FOR A TEXAS WATER COMMISSION ORDER
ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING
CERTAIN ACTIONS OF GATX TERMINALS CORPORATION

TO THE HONORABLE MEMBERS OF THE TEXAS WATER COMMISSION:

COMES NOW, the Executive Director of the Texas Water Commission (the "Commission"), by and through the Legal Division of the Commission, and gives notice of his Noncompliance Report concerning violations of the Texas Solid Waste Disposal Act (the "Act") and the rules of the Commission. Pursuant to this Report, the Executive Director petitions the Commission to assess administrative penalties under the authority of §8b of the Act against GATX Terminals Corporation (GATX) and, pursuant to 31 Texas Administrative Code (TAC) §337.1, to order GATX Terminals Corporation to undertake certain actions necessary to bring the facility into compliance with the Act and the rules of the Commission, and in support thereof would show as follows:

I.

GATX Terminals is a liquid bulk storage facility located at 906 Clinton Drive, Galena Park, Texas, on the Houston Ship Channel. A small pond located on the facility site functions as a surface impoundment to manage industrial solid waste generated by the collection of product lost from spills and transfer operations within the tank truck and railroad tank car loading areas. The surface impoundment has not been managed as a hazardous waste unit and GATX representatives have no specific information about the existence of a liner or the nature of the geologic substrate underlying the pond.

II.

Waste contained in the surface impoundment is a mixture of hazardous and toxic chemicals. Tests conducted by Commission staff on the water and sludge from the surface impoundment found hazardous materials present. The test results of samples from the surface impoundment are shown in Attachment "A" of the Executive Director's Noncompliance Report. These materials are defined by the Administrator of the U. S. Environmental Protection Agency (EPA) in 40 Code of Federal Regulations (CFR) Part 261 as hazardous wastes. These wastes are toxic and present a dangerous contamination threat to ground and surface water.

III.

GATX is located on the Texas Coastal Plain. The underlying aquifers in this area are the Chicot, Evangeline and Jasper aquifers. In addition to these aquifers, there is abundant shallow groundwater. The entire Coastal Plain acts as a recharge zone for these aquifers. Industrial waste present in surface water and shallow groundwater may contaminate the aquifers.

IV.

GATX has failed to install a groundwater monitoring system at the hazardous waste surface impoundment as required by 31 TAC §336.116 (formerly 31 TAC §335.191). Groundwater monitoring is necessary to detect possible leakage from the hazardous waste

surface impoundment. Without such monitoring, contamination can seep into groundwater and go unnoticed until groundwater quality has been greatly affected. This noncompliance was observed by Commission staff on November 7, 1985. -

V.

GATX has failed to submit to the Commission a closure and post-closure plan for the hazardous waste surface impoundment as required by 31 TAC §§336.118(a) and 336.119(a) (formerly §§335.213 and 335.218). Closure and post-closure plans are essential for the long-range protection of human health and the environment. The plans are reviewed by Commission staff to be certain of compliance with regulatory requirements and to assure that the plans address site specific environmental conditions and concerns. Closure and post-closure plans are also needed to determine costs of closure and post-closure care for financial assurance requirements. This noncompliance was observed by Commission staff on November 7, 1985.

VI.

GATX has claimed that the wastes in the surface impoundment are exempt from the hazardous waste regulations under the "de minimus" exclusion of 40 CFR §261.3(a)(2)(iv)(D). Waste mixtures which consist of wastewater and a "discarded commercial chemical product, or chemical intermediate listed in §261.33, arising from de minimus losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process" are exempted from hazardous waste regulation. This exclusion does not apply to the facts of this case because GATX is not a manufacturing facility. The exemption for "de minimus losses" only applies to manufacturing operations.

VII.

The Commission has jurisdiction to assess a civil penalty against GATX for the violations of 31 TAC §§336.116 and 336.118(a) pursuant to §8b of the Solid Waste Disposal Act, V.A.C.S., Article 4477-7. The Commission has authority to issue enforcement orders directing compliance with the Act and the rules of the Commission pursuant to 31 TAC §337.1.

VIII.

The Executive Director's Noncompliance Report in the matter of GATX Terminals Corporation's violations, attached hereto as Exhibit "A", concludes that violations of 31 TAC §§336.116 and 336.118(a) have occurred and recommends that a civil penalty of \$6,280 be imposed on GATX. The Noncompliance Report also includes Technical Recommendations concerning actions needed to be taken by GATX to achieve compliance with applicable regulations.

IX.

Pursuant to §8b of the Act, notice is hereby given to GATX Terminals Corporation of the issuance of the Executive Director's Noncompliance Report.

X.

The factors set forth at §8b of the Act have been analyzed in the Noncompliance Report and were considered by the Executive Director in recommending a civil penalty of \$6,280 be imposed on GATX.

Texas Water Commission

INTEROFFICE MEMORANDUM

TO : Commissioners

DATE: April 8, 1986

THRU :

FROM : Larry R. Soward, Executive Director

SUBJECT: Preliminary Enforcement Report
GATX Terminal Corp.
Solid Waste Registration No. 30573

Attached for your consideration is the Executive Director's Preliminary Enforcement Report for GATX Terminal Corp., Solid Waste Registration No. 30573.

I Summary of Noncompliances

GATX Terminal Corp. uses a wastewater pretreatment pond to collect and contain hazardous industrial solid waste. The pond which serves as a hazardous waste surface impoundment is not included on the facility closure plan and does not have a ground water monitoring system.

II Summary of Penalty Recommendation

A penalty of \$3,140 is recommended for failure to provide a closure plan for surface impoundment and a penalty of \$3,140 is recommended for the violations of Ground Water Monitoring requirements, which brings the total penalty recommendation to \$6,280. A more detailed explanation can be found in the Penalty Computation Worksheets at the end of the attached report.

III Technical Recommendations

A commission order is recommended to insure that applicable regulations are complied with throughout the remainder of the life of this facility. The recommendations for such order are enumerated in Section III of the attached report.


Larry R. Soward
Executive Director

Attachment

Executive Director's Noncompliance
Report to the Commission

GATX Terminals Corporation
P.O. Box 486
Galena Park, Texas 77547

ISW Registration No. 30573

Company Contact: Kyle J. Mullins

I.

Description of Waste Management
Activity of Concern

Location:

GATX Terminal Corporation (GATX) is located at 906 Clinton Drive Galena Park, Texas, on the Houston Ship Channel. Land use on the south side of Clinton (including GATX) is primarily industrial, but the north side includes residential housing and small businesses. Clinton Drive is a major thoroughfare in Galena Park. GATX facilities cover approximately 463.9 acres.

Description of Waste Management Activities:

GATX Terminals is a liquid bulk product storage facility. The hazardous wastes currently generated by GATX are derived from tank bottoms and pipeline flushings from operation and maintenance of the tank storage terminal. These wastes include both Class I Industrial Hazardous (IH) and Class I Industrial Non-Hazardous (INH) wastes. These materials are stored in drums. GATX attempts to return these materials to the original owner. Any material that is not claimed by the owner or is not delivered as product is stored on-site in drums and ultimately shipped off-site for disposal.

A small pond which functions as a surface impoundment is used to manage industrial solid waste generated by the collection of product lost from spills and transfer operations within the tank truck and railroad tank car loading areas. Materials lost to this pond include the hazardous wastes shown on Attachment A. This facility is not managed as a hazardous waste unit and does not appear on the Company's hazardous waste permit application. As a part of GATX's wastewater system, the pond serves to treat contaminated storm water run off prior to discharge to Gulf Coast Waste Disposal Authority. This function was originally performed by an above-ground tank. The above-ground tank was replaced by the pond after the wastewater permit was issued. Company representatives were not certain of construction details and had no specific knowledge of a liner or the nature of the substrate pertaining to the pond. No ground-water monitoring program is in place around the surface impoundment.

Slop oils are separated in the surface impoundment. These oils were formerly analyzed for BTU content and sold as a waste-derived fuel, but now they are disposed of as hazardous waste because they may be ignitable.

Attachment B indicates the general location of drainage structures, the surface impoundment, and slop oil tanks.

Description of Waste Characteristics:

Waste contained in the surface impoundment is a mixture of hazardous and toxic chemicals. Test results of samples from the water and from the sludge in the surface impoundment are shown in Attachment A. These wastes are toxic and present a contamination threat to ground and surface water.

Surface Water:

The surface impoundment is located approximately 75 feet from the Houston Ship Channel, Stream Segment No. 1007 of the San Jacinto River Basin. During heavy rainfall conditions, the surface impoundment could discharge to the Ship Channel. Designated water uses are navigation and industrial water supply.

Ground Water:

GATX, located in Galena Park, Harris County, is in the Texas Coastal Plain. The underlying aquifers in this area are the Chicot, Evangeline and Jasper aquifers.* In addition to these aquifers, there is abundant shallow ground water. The entire Coastal Plain acts as a recharge zone for these aquifers. Industrial waste present in surface water and shallow ground water may contaminate the aquifers.

*TDWR Report 236, July 1979

II.

Discussion of Noncompliances

Violation	Date Noncompliance Observed		Recommended Penalty	31 TAC Section
	8/1/85	11/7/85		
1. No ground-water monitoring for the Hazardous Waste Surface Impoundment	X	X	\$3,140	335 .191-
2. No closure plan for the Hazardous Waste Surface Impoundment	X	X	\$3,140	335 .213

.. TOTAL PENALTY = \$6,280

Violations

1. Requirement: 31 TAC Section 335.191

Reason for Requirement:

Ground-water monitoring is required for hazardous industrial solid waste facilities which use surface impoundments to manage hazardous waste.

When done in accordance with 31 TAC Section 335.191 - .195, ground-water monitoring is an early warning system which can trigger necessary corrective action. Without such monitoring, contamination can seep into ground water and be unnoticed until ground-water quality has been greatly affected.

Company Action Constituting Noncompliance:

GATX has no ground-water monitoring system or plan for the hazardous waste surface impoundment.

Company Efforts Toward Compliance:

GATX agreed to stop operating this pond after TWC personnel advised them on November 1, 1985 that they were in violation. GATX had their consulting engineer, Resource Engineering (REI), run analysis on samples which were split with TWC personnel. REI test results showed the waste to be non-hazardous. Subsequently, on 12/30/85, TWC test results showed a wide variety of listed hazardous wastes in the pond water and sludge in concentrations as high as 18,000 ppm as shown in Attachment A.

GATX plans to close the surface impoundment and replace it with an above-ground storage tank. This work has not yet begun, and is contingent upon an approved closure plan, pursuant to 31 TAC Section 335.211.

2. Requirement: 31 TAC Section 335.213

Reason for Requirement:

Closure/post-closure plans are essential for the long-range protection of human health and the environment. Such plans must be submitted to and approved by the TWC. TWC personnel check closure/post-closure to be certain they comply with regulatory requirements and to ensure, on a case-by-case basis, that a plan adequately addresses site specific environmental conditions and concerns. Additionally, a closure plan is essential in determining closure costs for financial assurance.

Company Action Constituting Noncompliance:

GATX has not submitted a closure/post-closure plan for its hazardous waste surface impoundment.

Company Efforts Toward Compliance:

GATX with their consulting engineer, REI, has claimed that the wastes in this pond are exempt from hazardous waste regulation under the "De Minimis" exclusion. Title 40 CFR Section 261.3(a)(2)(iv)(D) exempts waste mixtures from regulation under RCRA which consist of wastewater and "a discarded commercial chemical product, or chemical intermediate listed in Section 261.33, arising from de minimis losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process." For purposes of this subparagraph, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing. This exclusion does not apply because GATX is not a manufacturing facility, and the exemption for "de minimis losses" only applies to manufacturing operations.

Summary of Correspondence

<u>Date</u>	<u>From</u>	<u>Topic</u>
7/6/82	GATX	GATX submits financial assurance documentation using the financial test criteria.
8/23/82	TDWR	TDWR acknowledges receipt of financial assurance documents and states that it will be forwarded to EPA.
1/3/83	GATX Telephone	Mr. Mullins requested information regarding GATX's Part A and requested forms for the submittal of Part B.
1/7/83	TDWR	Letter of transmittal for financial assurance documents to EPA.
1/14/83	GATX	GATX explains that they are experiencing delays in having their insurance policy written.
1/21/83	EPA	EPA sends GATX's financial assurance documents back to TDWR because authority has been granted to TDWR.
4/7/83	GATX	GATX submits a registration update showing types and chemical names of hazardous wastes handled at their facility.
3/14/84	TDWR	TDWR sends a "draft permit" to GATX in response to their permit application.
3/27/84	GATX	GATX submitted a certificate of liability insurance for the period of 04/01/84 - 04/01/85.

<u>Date</u>	<u>From</u>	<u>Topic</u>
4/17/84	Dist 7	Notice of Violation letter from District 7 citing two violations: inadequate personnel training and inadequate inspection log.
5/1/84	GATX	GATX responds to the NOV by claiming they do not need personnel training because they are exempt under the 90-day exclusion.
5/10/84	TDWR	TDWR finds the financial assurance documents "complete and in accordance with applicable regulations."
8/30/84	TDWR	TDWR discovers that GATX Terminal Corporation is a subsidiary of GATX Corporation; this makes the "financial test criteria" invalid for financial assurance. GATX is therefore in violation of financial assurance requirements.
9/13/84	GATX	GATX responds to the NOV of 08/30/84 by again claiming the 90-day exclusion.
10/23/84	GATX	GATX requests to be classified as a "periodic and infrequent shipper."
11/2/84	TDWR	TDWR agrees that GATX should be classified as a "periodic and infrequent shipper," and as such is subject to reduced reporting requirements.

<u>Date</u>	<u>From</u>	<u>Topic</u>
12/10/84	TDWR	[Evidently GATX has submitted another financial test for financial assurance which is not in the file.] TDWR finds the revised financial assurance test complete and inaccordance with applicable regulations.
1/14/85	GATX	GATX submits an amendment to its Notice of Registration to include pipeline flushings.
8/1/85	V & E	Vinson & Elkins submits the draft permit with GATX's comments and requests a meeting with TDWR attorneys.
8/21/85	TDWR Memo	A conference was held to discuss changes in the draft permit proposed by the Company.
10/7/85	TWC	An inspection of GATX by Steve Minick finds 13 violations of solid and hazardous waste regulations. The following violations were noted: (1) Failure to make a hazardous waste determination on all wastes generated. [TAC 335.62] (2) Failure to provide current notification of waste management activities. [TAC 335.6(b)] (3) Hazardous waste containers were not dated and labeled. [TAC 335.69(2)(3)] (4) Handling of industrial waste so as to cause a discharge and threat of discharge. [TAC 335.4] (5) Failure to meet requirements for managing hazardous waste in containers. [TAC 335.242, .244, .245]

- (6) No waste analysis plan for wastes generated. [TAC 335.114]
- (7) No warning signs at appropriate hazardous waste facility locations. [TAC 335.115(c)]
- (8) Inspection records not maintained. [TAC 335.116(d)]
- (9) Failure to post "no smoking" signs in hazardous waste areas. [TAC 335.118(a)]
- (10) Adequate operation log not maintained. [TAC 335.173]
- (11) Failure to provide adequate financial assurance or liability coverage. [TAC 335.233]
- (12) Failure to maintain a ground-water monitoring program. [TAC 335.191 - .195]
- (13) Adequate closure/post-closure plan not available. [TAC 335.211 - .220]

<u>Date</u>	<u>From</u>	<u>Topic</u>
10/16/85	GATX	GATX responds to the Notice of Violation by explaining their waste management procedures and stating that they will sample the pond for hazardous wastes.
11/85	GATX	GATX submits the Southeast Holding Basin Hazardous Determination, prepared by Resource Engineering (REI). REI's test results show the pond to contain no hazardous waste. Test results from TDWR samples show a wide variety of hazardous wastes as shown on Attachment A.
2/18/86	TWC	TWC is proceeding with enforcement action against GATX.

III

Technical Recommendations

1. GATX shall submit, within 30 days of the effective date of this Order, a closure plan for their hazardous waste surface impoundment. This plan shall meet all of the requirements of 31 TAC Section 335.211-335.216 and 335.286 including a time schedule as required by 31 TAC 335.214. Upon written approval from the TWC, closure shall be carried out in accordance with the approved closure plan and time schedule.
2. GATX shall take (immediate) action to prevent more hazardous wastes from entering the hazardous waste surface impoundment and to prevent wastes from discharging out of this impoundment. Wastes currently contained in the surface impoundment shall be pumped to Tank T29 for future disposal. This action shall be completed within 10 days of the effective date of an Order issued by the Commission and is subject to approval by TWC District 7 personnel.
3. GATX shall develop and implement a ground-water monitoring program and submit a detailed plan regarding the program for TWC approval. This program shall encompass all of the requirements of 31 TAC Sections 335.191 through 335.195. The plan shall include a time schedule for the completion of specific elements of the program. Specifically, the time schedule shall include deadlines for the installation of wells, submission of a ground-water quality assessment plan, and implementation of ground-water quality assessment. Initial sampling shall take place within 45 days of the effective date of this Commission Order. Construction of wells and sampling of ground water shall commence only upon written authorization of the plan by the TWC and shall be carried out in accordance with the authorized plan and TWC rules within the time specified in the approved time schedule.

Prepared by:

Jim Martin

Inspected by:

Karen Bleam

Penalty Computation Worksheet

Facility: GATX Terminal Corporation

Solid Waste Registration No. 30573

1. Citation of Noncompliance: 31 TAC Section 335.191

Violation: Failure to implement a ground-water monitoring program for the hazardous waste surface impoundment.

Part I - Recommended Penalty Based on Violation

1. Level of impact or hazard of violation - Moderate
2. Extent and gravity of violation - Major

Penalty Recommended: \$3,140

Justification:

Title 31 TAC Section 335 requires that facilities managing hazardous waste in surface impoundments implement a ground-water monitoring program capable of detecting migration of waste from the unit to ground water. Failure to install a system in conformity with these requirements creates a circumstance where discharges to ground water cannot be detected. Because it is not clear that the construction of the surface impoundment is adequate to prevent escape of contaminants to ground water, the failure to implement a ground-water monitoring program increases the likelihood that contamination might go undetected for some time, thereby potentially compromising ground-water quality and the public health and safety.

Part II - Penalty Adjustments

1. Demonstrated Good Faith

GATX has operated this surface impoundment as a wastewater pretreatment pond in good faith. GATX personnel (Kyle Mullins) have been very cooperative in telephone conversations with TWC personnel. Mr. Mullins has said GATX will do "whatever is necessary." No ground-water monitoring plan has been submitted to TWC.

Recommendation: Downward Adjustment of 5%

2. Degree of Culpability - None

Recommendation: No Adjustment

3. History and Extent of Previous Violations - None

Recommendation: No Adjustment

4. Amount Necessary to Deter Future Violations - None

Recommendation: No Adjustment

5. Effect of Economic Benefit of Noncompliance - None

Recommendation: No Adjustment

Penalty Recommended: $\$3,200 - (.05 \times 1200) = \$3,140$

One Penalty Event

2. Citation of Noncompliance: 31 TAC Section 335.211-335.216

Violation: No closure plan for the hazardous waste
surface impoundment

Part I - Recommended Penalty Based on Violation

1. Level of impact or hazard of violation - Moderate
2. Extent and gravity of violation - Major

Penalty Recommended: \$3,140

Justification:

Title 31 TAC Section 335 requires facilities managing hazardous waste in surface impoundments to have a closure plan and keep this plan at the facility. Such a plan must provide that closure be accomplished in a manner that:

- a. Minimizes the need for further maintenance;
and

- b. Controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous waste constituents, leachate, contaminated rainfall, or waste decomposition products to the ground water, or surface waters, or to the atmosphere.

Proper closure of a hazardous waste surface impoundment requires that hazardous waste contained therein be completely removed or contained so that water and other potential media do not mix with the waste left in place and enable it to migrate to ground water. The ability to prevent such an eventuality depends on proper planning and design prior to actual waste movement and construction work. Without prior design work, and the establishment of a plan to monitor the progress of closure as it proceeds, the task of closure might not be properly or completely accomplished. Thus, failure to submit such a plan and to eventually close in accordance with that plan can result in increased likelihood of substantial exposure of wastes which would compromise the health or safety of the public or compromise the water quality of a receiving stream or ground water. GATX has failed to include the hazardous waste surface impoundment in the facility closure plan.

Part II - Penalty Adjustments

1. Demonstrated Good Faith

GATX has operated this surface impoundment as a wastewater pretreatment pond in good faith. GATX personnel (Kyle Mullins) have been very cooperative in telephone conversations with TWC personnel. Mr. Mullins has said GATX will do "whatever is necessary;" however, no closure plan has as yet been submitted to TWC.

Recommendation: Downward Adjustment of 5%

2. Degree of Culpability - None

Recommendation: No Adjustment

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Penalty Computation Worksheet

GATX

Page 4

3. History and Extent of Previous Violations - None

Recommendation: No Adjustment

4. Amount Necessary to Deter Future Violations - None

Recommendation: No Adjustment

5. Effect of Economic Benefit of Noncompliance - None

Recommendation: No Adjustment

Penalty Recommended: $\$3,200 - (.05 \times 1200) = \$3,140$

One Penalty Event

Total Penalty = $\$3,140 + \$3,140 = \$6,280$

Sample #1 - liquid sample taken from the western side of the skimmer pond
(C.O.C. Tag # SW06427)

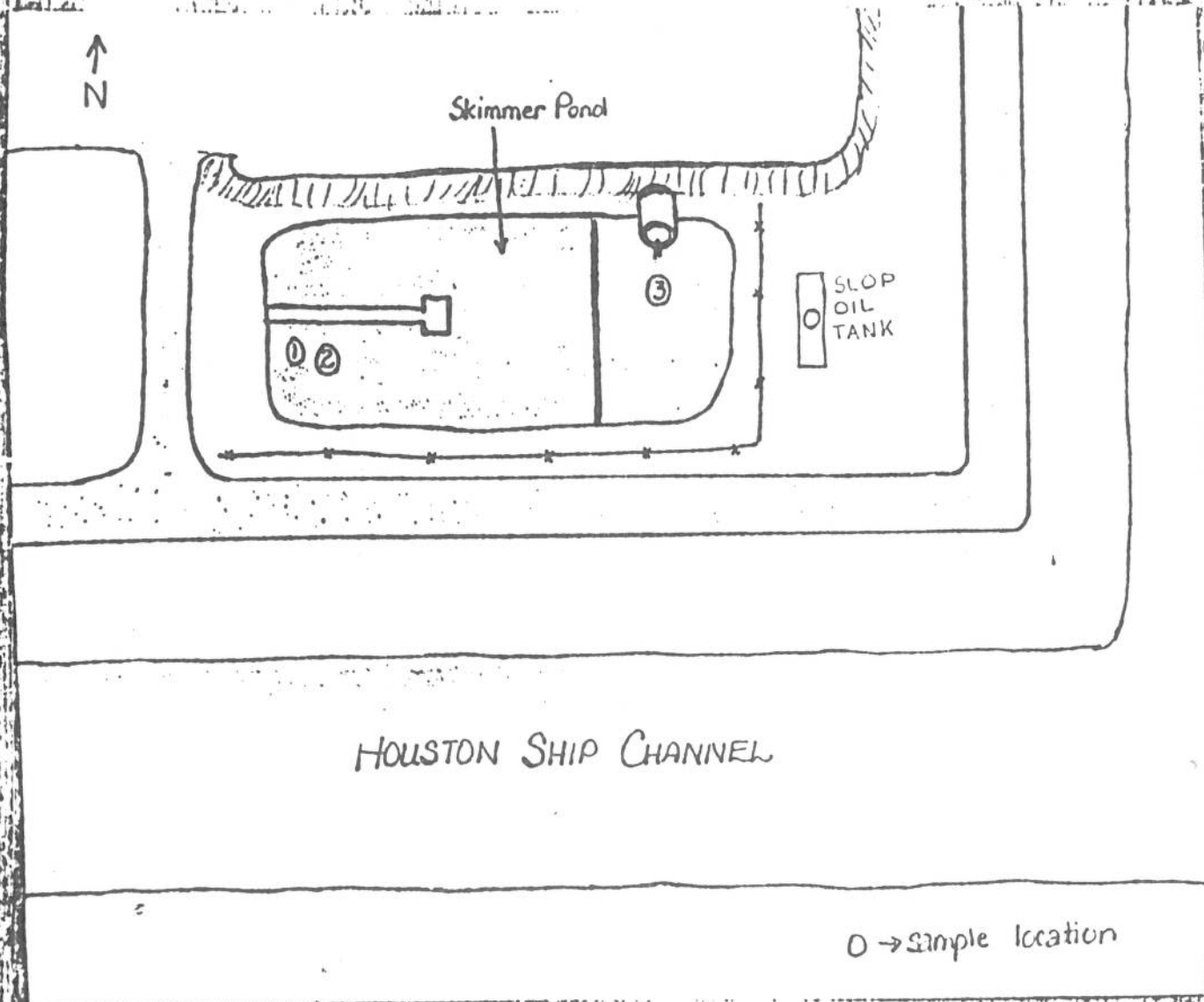
<u>Parameter</u>	<u>EPA Hazardous Waste Number</u>	<u>Value</u>
Phenol	U188	1.80 ppm
2,4 -Dimethylphenol	U101	97.00 "
Naphthalene	U165	6.00 "
Acenaphthene		0.71 "
Fluorene		0.54 "
Phenanthrene		2.40 "
Anthracene		0.23 "
Fluoranthene	U120	0.85 "
Pyrene		0.64 "
Benzene	U019	1.20 "
Trichloroethylene	U228	30.00 "
Toluene	U220	6.00 "
Dicyclopentadiene		41.00 "
C2 - phenols	U048	240.00 "
Tridecane		1.20 "
Tetradecane		1.70 "
Cresols	U052	270.00 "
2-Methyl Naphthalene		6.00 "
1-Methyl Naphthalene		3.10 "
Biphenyl		2.20 "
Dibenzofuran		0.41 "
2,4 - D	U240	14.00 "
MIBK		2.80 "

<u>Parameter</u>	<u>EPA Hazardous Waste Number</u>	<u>Value</u>
2,4 - Dimethylphenol	U101	9,600 ppm
1,2 - Dichlorobenzene	U070	360 "
Napthalene	U165	8,600 "
Acenaphthene		2,100 "
Fluorene		1,700 "
Phenanthrene		6,700 "
Anthracene		3,600 "
Fluoranthene	U120	2,400 "
Pyrene		2,000 "
Butylbenzyl Phthalate		70,000 "
Benz (a) anthracene	U018	480 "
Chrysene	U050	520 "
Chlorobenzene	U037	6,700 "
Dicyclopentadiene		41,000 "
C2 - phenols	U048	35,000 "
Tetradecane		12,000 "
Diphenyl Ether		52,000 "
p - Xylene	U239	930 "
Cumene	U055	300 "
Cresols	U052	18,000 "
2-Methyl Naphthalene		4,500 "
1-Methyl Naphthalene		2,700 "
Biphenyl		14,000 "
Dibenzofuran		1,500 "
Carbazole		1,600 "

ISW. REGISTRATION No. 30573

- Skimmer Pond Sampling locations -
11-12-85

ATTACHMENT B



TEXAS WATER COMMISSION



A N O R D E R

Determining Violations by GATX Terminals Corporation under the Texas Solid Waste Disposal Act, V.T.C.S., Article 4477-7; Assessing Administrative Penalties; and Requiring Certain Actions of GATX Terminals Corporation.

Came on this _____ day of _____, 1986, to be considered the petition and report of the Executive Director, alleging violations of the Texas Solid Waste Disposal Act and the Commission rules pertaining to industrial solid waste management and requesting appropriate relief, including administrative penalties. The facility made the subject of the Executive Director's petition is GATX Terminals Corporation, 906 Clinton Drive, Galena Park, Texas.

After proper notice to GATX Terminals Corporation, and after hearing the evidence and argument of the parties, the Texas Water Commission makes the following findings:

FINDINGS OF FACT

1. GATX Terminals Corporation operates a liquid bulk storage facility located at 906 Clinton Drive, Galena Park, Texas, on the Houston Ship Channel.
2. There is a small pond located on the facility site which functions as a surface impoundment to manage industrial solid waste generated by the collection of product lost from spills and transfer operations within the tank truck and railroad tank car loading areas.
3. The surface impoundment has not been managed as a hazardous waste unit, nor in accordance with hazardous waste management regulations.
4. GATX Terminals Corporation representatives have no specific knowledge of a liner in the surface impoundment or the nature of the geologic substrate underlying the pond, nor is such information available from other sources.
5. Tests conducted by Commission staff revealed that some materials found to be present in the surface impoundment are defined by the Administrator of the U. S. Environmental Protection Agency in 40 Code of Federal Regulations (CFR) Part 261 as hazardous wastes.
6. The hazardous wastes present in the surface impoundment are toxic and present a contamination threat to ground and surface water.
7. GATX Terminals Corporation's liquid bulk storage facility is located on the Texas Coastal Plain. the underlying aquifers in the area are the Chicot, Evangeline and Jasper aquifers. In addition to these aquifers there is abundant shallow groundwater. The entire Coastal Plain acts as a recharge zone for these aquifers. Industrial waste present in surface water and shallow groundwater may contaminate the aquifers.

8. GATX Terminals Corporation has failed to install a groundwater monitoring system at the hazardous waste surface impoundment. This noncompliance was observed by Commission staff on November 7, 1985.
9. GATX Terminals Corporation has failed to submit to the Commission a closure and post-closure plan for the hazardous waste surface impoundment. This noncompliance was observed by Commission staff on November 7, 1985.
10. The GATX Terminals Corporation's liquid bulk storage facility is not a "manufacturing operation" as intended in 40 CFR §261.3(a)(2)(iv)(D). The only activity conducted by GATX Terminals Corporation at this facility is storage of liquid bulk products and related waste management activities.
11. In order to continue operating the hazardous waste surface impoundment, GATX Terminals Corporation was required to submit a Part B Hazardous Waste Application and certify compliance with groundwater monitoring and financial assurance requirements by November 8, 1985.
12. GATX Terminals Corporation did not submit a Part B Hazardous Waste Application nor certify compliance with groundwater monitoring and financial assurance requirements by November 8, 1985.

CONCLUSIONS OF LAW

1. GATX Terminals Corporation does not qualify to operate as an "Interim Status" facility under the Federal Resource Conservation and Recovery Act, 42 United States Code (USC) 6901, and the regulations promulgated pursuant thereto.
2. GATX Terminals Corporation has violated 31 TAC §336.116 (formerly 31 TAC §335.191) by failing to install a groundwater monitoring system at the hazardous waste surface impoundment.
3. GATX Terminals Corporation has violated 31 TAC §§336.118(a) and 336.119(a) (formerly 31 TAC §§335.213 and 335.218) by failing to submit to the Commission a closure and post-closure plan for the hazardous waste surface impoundment.
3. The Commission has jurisdiction to assess administrative penalties pursuant to §8b of the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7. The Commission has authority to issue enforcement orders directing compliance with the Texas Solid Waste Disposal Act and the rules of the Commission pursuant to 31 TAC §337.1.
4. An administrative penalty in the amount of \$6,280 is justified by the facts recited herein, considered in light of the factors stipulated in §8b of the Texas Solid Waste Disposal Act.
5. The GATX Terminals Corporation claim that the surface impoundment is exempt from hazardous waste regulations because of the "de minimus" exemption of 40 CFR §261.3(a)(2)(iv)(D) is invalid. The exemption applies only to manufacturing operations and the liquid bulk storage facility of GATX Terminals Corporation is not a manufacturing operation.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS WATER COMMISSION that GATX Terminals Corporation shall pay an administrative penalty totaling Six Thousand Two Hundred Eighty Dollars (\$6,280) for violations of the Texas Solid Waste Disposal Act and the regulations of the Texas Water Commission. All checks rendered to pay penalties imposed by this order shall be made out to "The State of

TEXAS WATER COMMISSION

Paul Hopkins, Chairman
Ralph Roming, Commissioner
John O. Houchins, Commissioner



Larry R. Soward, Executive Director
Mary Ann Hefner, Chief Clerk
James K. Rourke, Jr., General Counsel

February 18, 1986

Mr. Kyle Mullins
GATX Terminal Corporation
P.O. Box 486
Galena Park, Texas 77547

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

TKD026481523

Re: GATX Terminal Corporation
ISW Registration No. 3
Notice of Solid Waste Violations

Dear Mr. Mullins:

On November 7, 1986 Texas Water Commission (TWC) Representatives from the District 7 area office and the central office conducted an inspection of the above noted facility in order to survey compliance of the operation with the Commission's rules pertaining to Solid Waste management. During the inspection, conditions were observed and documented that we believe may constitute violations of the solid waste rules.

The following areas of alleged noncompliance were observed during the inspection:

- | | |
|--|-------------------------------|
| 1. Mismanagement of surface impoundment creating the threat of discharge into waters of the state. | 31 TAC
335.4 |
| 2. No Groundwater Monitoring for the hazardous waste surface impoundment. | 31 TAC
335.191-
335.195 |
| 3. No closure plan for the hazardous waste surface impoundment. | 31 TAC
335.211-
335.216 |

In response to these alleged noncompliances, the Texas Water Commission is instituting Enforcement Action, which may result in administrative penalties of up to \$10,000 per day per violation. Accordingly, you are being advised so that a timely and appropriate remedy to each noncompliance can be taken.

Mr. Kyle Mullins
Page 2

Any questions that you have concerning this matter should be addressed to Mr. Robert W. Lee or Mr. Jim Martin at (512) 463-8425.

Sincerely,

Merton J. Coloton

Merton J. Coloton, P.E., Chief
Enforcement Section
Hazardous and Solid Waste Division

JM:sac

cc: District 7, Karen Bleem
Russell Kimble, Program Support
Legal Division

Enclosures

Sample #1 - liquid sample taken from the western side of the skimmer pond
(C.O.C. Tag # SW06427)

<u>Parameter</u>	<u>Value</u>
Flashpoint	<15°C
Phenol	1.80 ppm
2,4 -Dimethylphenol	97.00 "
Naphthalene	6.00 "
Acenaphthene	0.71 "
Fluorene	0.54 "
Phenanthrene	2.40 "
Anthracene	0.23 "
Fluoranthene	0.85 "
Pyrene	0.64 "
Benzene	1.20 "
Trichloroethylene	30.00 "
Toluene	6.00 "
Dicyclopentadiene	41.00 "
C2 - phenols	240.00 "
Tridecane	1.20 "
Tetradecane	1.70 "
Cresols	270.00 "
2-Methyl Naphthalene	6.00 "
1-Methyl Naphthalene	3.10 "
Biphenyl	2.20 "
Dibenzofuran	0.41 "
2,4 - D	14.00 "
MIBK	2.80 "

Sample #2 - sludge sample taken from the western side of the skimmer pond
(C.O.C. Tag No. SW06428)

<u>Parameter</u>	<u>Value</u>
2,4 - Dichlorophenol	trace
2,4 - Dimethylphenol	9,600 "
1,2 - Dichlorobenzene	360 "
Napthalene	8,600 "
Acenaphthene	2,100 "
Fluorene	1,700 "
Phenanthrene	6,700 "
Anthracene	3,600 "
Fluoranthene	2,400 "
Pyrene	2,000 "
Butylbenzyl Phthalate	70,000 "
Benz (a) anthracene	480 "
Chrysene	520 "
Chlorobenzene	6,700 "
Dicyclopentadiene	41,000 "
C ₂ - phenols	35,000 "
Tetradecane	12,000 "
Diphenyl Ether	52,000 "
p - Xylene	930 "
Cumene	300 "
Cresols	18,000 "
2-Methyl Naphthalene	4,500 "
1-Methyl Naphthalene	2,700 "
Biphenyl	14,000 "
Dibenzofuran	1,500 "
Carbazole	1,600 "

TEXAS WATER COMMISSION

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Merton J. Coloton

Merton J. Coloton, P.E., Chief
Enforcement Section
Hazardous and Solid Waste Division

JM:sac

cc: District 7, Karen Bleem
Russell Kimble, Program Support
Legal Division

Enclosures

TEXAS WATER COMMISSION

HAZARDOUS WASTE COMPLIANCE MONITORING AND ENFORCEMENT LOG



☒ NEW ☐ UPDATE

TOWNSHIP: 30573 1. EPA ID: TX D026481523 INDUSTRY: GATX-6P DISTRICT: 07

2. INDUSTRY NAME: GATX Terminals Corp. PHONE: () -

3. SITE ADDRESS: Po49c Galena Park ZIP: 77547 COUNTY: Harris

7. DATE SUBT: 01-15-86 FACILITY: (G, F, T) GF 4. C, F, S: ☐ 6. TYPE OF EVALUATION: SA CEI - EV, EC, EP, EB FOLLOW UP - FO
(CENTRAL OFFICE USE ONLY) (S, L) 38 40 42 CME - GW SAMPLE - SA
(1, 2, 3) RESPONSIBLE AGENCY: S OTHER - CL, SW, OT, FE CASE DEVELOPMENT - CD

5. DATE OF INITIAL EVALUATION: 11-12-85 AREA AND CLASS OF VIOLATION (INCLUDES DISTRICT LEVEL ENFORCEMENT ACTIONS)

E V I	D e g	Date Notice of Violation	Date Conference	Date Refer. to Austin for Ent.	Date High Prior. Determination	Date Response is Due for NOV	Date of Estim. Compliance	Date of Actual Compliance	Resolv/Unre Compliant
<u>GW</u>	<u>58</u>	<u>61</u>	<u>70</u>	<u>79</u>	<u>95</u>	<u>97</u>	<u>104</u>	<u>113</u>	<u>115</u>
<u>CL</u>	<u>58</u>	<u>61</u>	<u>70</u>	<u>79</u>	<u>95</u>	<u>97</u>	<u>104</u>	<u>113</u>	<u>115</u>
<u>PT</u>	<u>58</u>	<u>61</u>	<u>70</u>	<u>79</u>	<u>95</u>	<u>97</u>	<u>104</u>	<u>113</u>	<u>115</u>
<u>MA</u>	<u>58</u>	<u>61</u>	<u>70</u>	<u>79</u>	<u>95</u>	<u>97</u>	<u>104</u>	<u>113</u>	<u>115</u>
<u>FI</u>	<u>58</u>	<u>61</u>	<u>70</u>	<u>79</u>	<u>95</u>	<u>97</u>	<u>104</u>	<u>113</u>	<u>115</u>
<u>SC</u>	<u>58</u>	<u>61</u>	<u>70</u>	<u>79</u>	<u>95</u>	<u>97</u>	<u>104</u>	<u>113</u>	<u>115</u>
<u>OT</u>	<u>58</u>	<u>61</u>	<u>70</u>	<u>79</u>	<u>95</u>	<u>97</u>	<u>104</u>	<u>113</u>	<u>115</u>
<u>01</u>	<u>58</u>	<u>61</u>	<u>70</u>	<u>79</u>	<u>95</u>	<u>97</u>	<u>104</u>	<u>113</u>	<u>115</u>
<u>1</u>	<u>3</u>	<u>5</u>	<u>7</u>	<u>9</u>	<u>12</u>	<u>14</u>	<u>16</u>	<u>18</u>	<u>21</u>
<u>59</u>	<u>61</u>	<u>63</u>	<u>66</u>	<u>68</u>	<u>70</u>	<u>72</u>	<u>75</u>	<u>77</u>	<u>79</u>
<u>81</u>	<u>84</u>	<u>86</u>	<u>88</u>	<u>90</u>	<u>93</u>	<u>95</u>	<u>97</u>	<u>99</u>	<u>102</u>
<u>104</u>	<u>106</u>	<u>108</u>	<u>110</u>	<u>112</u>	<u>114</u>	<u>116</u>	<u>118</u>	<u>120</u>	<u>122</u>
<u>124</u>	<u>126</u>	<u>128</u>	<u>130</u>	<u>132</u>	<u>134</u>	<u>136</u>	<u>138</u>	<u>140</u>	<u>142</u>



Coordinator Initials

FY 1985 HAZARDOUS WASTE COMPLIANCE MONITORING AND ENFORCEMENT LOG

KL 1-14-86

EPA ID: 121X1D021611812121

14. Handler Type: 1-1 Water

Handler Name:

1-1 Non-Water

ADDRESS:

DATE OF INITIAL EVALUATION WHICH IS THE BASIS FOR THIS REPORT: 8/28/81

By AGENCY RESPONSIBLE FOR EVALUATION: Put code in box 1-1

Put code in box 1-1

Choose one:

C = Contractor/EPA

0 = Other
B = Contractor/State
X = Oversight

TYPE OF EVALUATION COVERED BY THIS REPORT:

- 1 = Evaluation Inspection
- 2 = Sampling Inspection
- 3 = Record Review
- 4 = Ground Water Monitoring Evaluation
- 5 = Follow Up

- 6 = Other - Citizen Complaint
- 7 = Other - Part B Call-In
- 8 = Other - Withdrawal Candidate
- 9 = Other - Closed Facility
- 0 = Other - General

DATE OF EVALUATION COVERED BY THIS REPORT (enter only if different from 8/1 8/28/81)

AREA AND CLASS OF VIOLATION (enter 'X' in appropriate box if violations found. Enter '0' if no violations found in area violated.)

Class of Violation	SW	CL/PC	Area of Violation	Inf	Res	Pt	B	Cap	1	8	Ch	Manifest	Other
	X	X											X
	0	0											0

ENFORCEMENT ACTIONS:

Area of Violation (use code)	Date Action Taken	Scheduled	Actual	Assessed	Collected	Res. As.
1-1 (GW)	03	85-10-07	85-10-12			5

- Codes for Types of Enforcement Actions: 03 = Warning Letter, 05 = Administrative Order, 10 = Informal, X = EPA Oversight, 11 = Filled Civil Action, 12 = Filled Criminal Action, 13 = EPA Letter to States
- (See instruction for additional codes)
- Codes for Responsible Agency: E = EPA, S = State
- Includes SURF, Impoundment, NOT previously required
- Comments: (List each comment to 80 characters. Up to 99 comments are possible.)



						AREA AND CLASS OF VIOLATION (INCLUDES DISTRICT LEVEL ENFORCEMENT ACTIONS)										
	D E V I	E e g	Date Notice of Violation	Date Conference	Date Refer. to Austin for Enf.	Date High Prior. Determination	Date of Estim. Compliance	Date Response is Due for NOV	Date of Actual Compliance	Resolve/ Comp						
G W	X	1	10-07-85	- - - -	- - - -	- - - -	- - - -	10-17-85	- - - -	U						
56 57	58	59	61	70	77	79	86	88	95	97	104	106	113	115	122	124
C L	Y	1	10-07-85	- - - -	- - - -	- - - -	- - - -	10-17-85	- - - -	U						
56 57	58	59	61	70	77	79	86	88	95	97	104	106	113	115	122	124
P T			- - - -	- - - -	- - - -	- - - -	- - - -	- - - -	- - - -							
56 57	58	59	61	70	77	79	86	88	95	97	104	106	113	115	122	124
M A	F		10-07-85	- - - -	- - - -	- - - -	- - - -	10-17-85	- - - -	U						
56 57	58	59	61	70	77	79	86	88	95	97	104	106	113	115	122	124
F I	K	1	10-07-85	- - - -	- - - -	- - - -	- - - -	10-17-85	- - - -	U						
56 57	58	59	61	70	77	79	86	88	95	97	104	106	113	115	122	124
S C			- - - -	- - - -	- - - -	- - - -	- - - -	- - - -	- - - -							
56 57	58	59	61	70	77	79	86	88	95	97	104	106	113	122	124	
O T	X	1	10-07-85	- - - -	- - - -	- - - -	- - - -	10-17-85	- - - -	U						
56 57	58	59	61	70	77	79	86	88	95	97	104	106	113	115	122	124

COMMENTS: (COUNTY)

1 3 5 7 9 12 14 16 18 21 23 25 27 30 32 34 36 39 41 43 45 48 50 52 54 57

1 3 5 7 9 12 14 16 18 21 23 25 27 30 32 34 36 39 41 43 45 48 50 52 54 57

* 0 1 / 0 / 0 0 0 b 0 u 0 0 c 1 u 0 0 9 1 u 2 9 4 1 u 1 4 4

2 u 1 4 5 c 2 u 1 1 0 d 2 u 1 1 8 a 2 u 1 7 3 2 u 1 7 3

INCLUDES SUPERIMPOUND. NOT PREVIOUSLY REGISTERED

WORK NO: 9091 NO. OF SAMPLES: 0 SUBMITTED BY: Stupe Vignat

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Mr. R. W. Bogan
Vice President
GATX Terminals Corporation
120 South Riverside Plaza
Chicago, IL 60606

Reference: TXD 02 648 1523

Dear Mr. Bogan:

Thank you for your recent submittal of the required documentation to show compliance with the Resource Conservation and Recovery Act (RCRA) financial regulations, 40 CFR 265, Subpart H, as amended on April 7, 1982, 47 FR 16032, and April 16, 1982, 47 FR 16544. The State of Texas is authorized to operate an equivalent financial program in lieu of the Environmental Protection Agency. Therefore, your submittal has been forwarded to:

Mr. Robert G. Brydson, Jr.
Texas Department of Water Resources
P. O. Box 13087, Capitol Station
Austin, Texas 78711
(512) 475-3345

If you have any questions, please call Henry Onsgard at (214) 767-8941 or me at (214) 767-9730.

Sincerely yours,

for *GA 1/20/83*
Gerald Fontenot, Chief
Enforcement Section

cc: Texas Department of Water Resources

CONCURRENCES

SYMBOL							
SURNAME							
DATE							

GATX

m. Hood
GATX TERMINALS CORPORATION

120 SOUTH RIVERSIDE PLAZA
CHICAGO, IL 60606
312-621-6200

January 14, 1983

Mr. Dick Whittington
Regional Administrator
Environmental Protection Agency
1201 Elm Street
Dallas, Texas 75270



Re: GALENA PARK, TEXAS
ID NO. TXD026481523
8

Dear Sir:

Pursuant to 40 CFR 265.147(b) the undersigned is required to demonstrate financial responsibility either through the obtaining of liability insurance or the satisfaction of certain financial tests with respect to the facility referred to above. The undersigned acted promptly to obtain liability insurance, but because of delays in the underwriter's review, no policy has issued to date. We are continuing to work with underwriters and hope to obtain such insurance in due course. Also, though the undersigned is a subsidiary of GATX Corporation and has satisfied the financial requirements of 40 CFR 265.145 through intercorporate guarantees, such guarantees are not applicable to 40 CFR 265.147(b). It is therefore impossible for the undersigned to meet the liability requirements of that regulation on this date.

We shall notify you promptly in accordance with 40 CFR 265.147(b)(1) as soon as appropriate liability insurance has been obtained. We also believe that, if such insurance is not obtainable, our financial resources are more than adequate to cover liability for nonsudden accidental occurrences and request a variance under 40 CFR 265.147(c). We will supply you with any information you require to support this request for variance.

Very truly yours,

GATX TERMINALS CORPORATION

By: *R. W. Bogan*

R. W. Bogan
Vice President



224-4020

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VI
1201 ELM STREET
DALLAS, TEXAS 75270

AUG 25 1982

Ms. Barbara Krane
Insurance Administrator
GATX Terminals Corporation
120 South Riverside Plaza
Chicago, Illinois 60606

Reference: TXD 00 083 5215, TXD 00 083 5207, TXD 02 648 1523

Dear Ms. Krane:

Thank you for your recent submittal of the required documentation to show compliance with the Resource Conservation and Recovery Act (RCRA) financial regulations, 40 CFR 265, Subpart H, as amended on April 7, 1982, 47 FR 16032, and April 16, 1982, 47 FR 16544. The State of Texas is authorized to operate an equivalent financial program in lieu of the Environmental Protection Agency. Therefore, your submittal has been forwarded to:

Mr. Robert G. Brydson, Jr.
Texas Department of Water Resources
P. O. Box 13087, Capitol Station
Austin, Texas 78711
(512) 475-3345

If you have any questions, please call Henry Onsgard at (214) 767-8941 or me at (214) 767-2645.

Sincerely yours,


R. Stan Jorgensen, Chief
Hazardous Materials Branch

cc: Texas Department of Water Resources

RCRA File

TXD 00 0835207
TXD 00 0835207
EPA ID TXD 02 6481523

TX
Date 8/19/82

Name

GATX

An EPA review of the attached financial information indicates the following:

- ☐ Material appears to be in order.
- ☐ The following deficiencies have been noted:

Closure-postclosure

- ☐ No closure-postclosure information submitted
- ☐ Trust fund does not meet required wording of Paragraph 264.151(a)
- ☐ Surety bond does not meet required wording of Paragraph 264.151(b)
- ☐ Letter of credit does not meet required wording of Paragraph 264.151(d)
- ☐ Insurance policy does not meet required wording of Paragraph 264.151(e)
- ☐ Fails financial test for closure
- ☐ Fails financial test for postclosure
- ☐ Original signatures do not appear on documentation
- ☐ Letter from chief financial officer does not meet required wording of Paragraph 264.151(f)
- ☐ Corporate guarantee does not meet required wording of Paragraph 264.151(g)
- ☐ Inadequate/missing CPA audit of financial statement and/or accountant's opinions
- ☐ Fails to address all U.S. facilities
- ☐ Fails to include closure/postclosure cost estimates
- ☐ Insufficient/missing CPA special report
- ☐ Other _____

Liability

- ☐ No liability information submitted
- ☐ Insurer not qualified
- ☐ Insurance certificate does not meet required wording of Paragraph 264.151(j)
- ☐ Insurance endorsement does not meet required wording of Paragraph 264.151(i)
- ☐ Policy limits are beneath RCRA minimums
- ☐ Policy not in effect by required date
- ☐ Original signatures do not appear on documentation
- ☐ Fails financial test for liability
- ☐ Letter from chief financial officer does not meet required wording of Paragraph 264.151(g)
- ☐ Inadequate/missing CPA audit of financial statement and/or accountant's opinions
- ☐ Fails to address all U.S. facilities
- ☐ Original signatures do not appear on documentation
- ☐ Other _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VI

1201 ELM STREET
DALLAS, TEXAS 75270

AUG 23 1982

Mr. Thomas T. Brekka
Vice President - Fiance
GATX Corporation
120 South Riverside Plaza
Chicago, Illinois 60606

Reference: TXD 00 083 5207, TXD 00 083 5215, TXD 02 648 1523

Dear Mr. Brekka:

Thank you for your recent submittal of the required documentation to show compliance with the Resource Conservation and Recovery Act (RCRA) financial regulations, 40 CFR 265, Subpart H, as amended on April 7, 1982, 47 FR 16032, and April 16, 1982, 47 FR 16544. The State of Texas is authorized to operate an equivalent financial program in lieu of the Environmental Protection Agency. Therefore, your submittal has been forwarded to:

Mr. Robert G. Brydson, Jr.
Texas Department of Water Resources
P. O. Box 13087, Capitol Station
Austin, Texas 78711
(512) 475-3345

If you have any questions, please call Henry Onsgard at (214) 767-8941 or me at (214) 767-2645.

Sincerely yours,

A handwritten signature in cursive script, likely belonging to R. Stan Jorgensen.

for R. Stan Jorgensen, Chief
Hazardous Materials Branch

cc: Texas Department of Water Resources

RCRA File

GATX

GENERAL AMERICAN
TRANSPORTATION CORPORATION

120 SOUTH RIVERSIDE PLAZA
CHICAGO, IL 60606
312-621-6200

July 12, 1982

TX

Mr. Dick Whittington
Regional Administrator
Environmental Protection Agency
First International Building
1201 Elm Street
Dallas, Texas 75270



Re: TXD000835207
TXD000835215

Dear Mr. Whittington:

Enclosed is a Hazardous Waste Facility Certificate of
Liability Insurance for the captioned subject.

Sincerely,

Barbara Krane

Barbara Krane
Insurance Administrator

BEK:bap

attachment (1)